

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1560 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----

M-TOUCH FINANCE LTD

Versus

STATE OF GUJARAT

-----

Appearance:

MR AM PAREKH for Petitioners

MR BD DESAI, LD. APP WITH MR MR ANAND, LD. PP.for  
respondent no.1,

MR RB DESAI, LD. ADVOCATE for respondent no.2.

-----

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 25/06/96

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. B.D.  
Desai, LD. APP with Mr. M.R. Anand, LD. P.P. for the  
State and Mr. R.B. Desai, L.A. appearing for  
respondent no.2.

In this petition u/S. 482 of the Code of Criminal  
Procedure, 1973 for quashing the complaint filed by the  
respondent no.2 before the learned Metropolitan  
Magistrate, Court No.2, Ahmedabad, following order was

passed on 18/4/1996 :-

"Notice returnable on 25/6/1996. Further proceedings of Criminal Case No. 40/1996 and on proceedings in respect of Criminal Case No. 40 of 1996 on the file of Ld. Addl. Chief Metropolitan Magistrate shall stand stayed till the said date. D.S. Permitted."

The duplicate share certificate has been deposited in this Court and the petitioner-company through its learned advocate states before this Court that the said duplicate share certificate might be handed over to the respondent no.2 in whose name the same stands. It is further submitted on behalf of the petitioner that the respondent no.2 should submit indemnity bond as per the draft of the indemnity bond already supplied to the respondent no.2. It is agreed between the petitioner and the respondent no.2 that such indemnity bond shall be furnished within a period of one week from today. In the facts and circumstances of this case and in view of the development recorded hereinabove, no useful purpose would be served if the complaint of the respondent no.2 is kept alive. Following order is, therefore, passed :-

The complaint No. 40/96 filed before the Ld. Addl. Chief Metropolitan Magistrate, Ahmedabad is hereby quashed and set aside. The duplicate share certificate deposited by petitioner-company in this court shall be handed over to the respondent no.2 upon respondent no.2 furnishing an undertaking before this Court that the respondent no.2 shall execute indemnity bond as per the draft given to the respondent no.2 within a period of one week from today. Rule made absolute in the aforesaid terms.